

The Right to Information Commission

A.M Safeen,
308A,
Beach Road,
Malihaikkadu- East

-Appellant-

RTIC App/No : - 764/2021

Vs.

Office of Medical Officer of Health,
Karaitivu

-Public Authority-

Before : -

1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Justice Rohini Walgama (Rtd.) - Commissioner
3. Ms.Kishali Pinto Jayawardena (Attorney-at-Law)-Commissioner
4. Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance Appellant is absent.

Public authority is absent.

Written Submission

The Appellant on : - 09.03.2022

The Public Authority on : - 04.01.2021 & 15.02.2021

Date of Hearing : - 10.03.2022

Decided on : - 10.03.2022

Decision

Brief Factual Background

The Appellant made the information request on 09.09.2020, as below:

“This is regarding the report issued by the Public Health Inspector and the Medical Health officer on the hygiene of the fish market:

On the 25.08.2020 through a letter numbered KPS/CMA/RTI/2020 the Divisional Secretariat informed that it is obliged to grant license to the fishing markets only after the reports of the Public Health Inspector and the Medical Health officer on the hygiene of the fishing markets effect such granting of the license. (I have attached the copy of the details.) State whether such information provided is true or false?

If it is true, provide the certified copy of each report issued for the fish markets in the years of 2015, 2016, 2017, 2018, 2019 and 2020.”

As the Information Officer failed to respond within the time period stipulated in the Act, the Appellant lodged an Appeal with the Designated Officer on 01.10.2020. As the Designated Officer too failed to respond within the time period stipulated in the Act, the Appellant preferred an appeal to the Commission on 10.11.2020.

In response to the notice issued by the Commission, the Public Authority has sent a letter dated 04.01.2021 (received on 10.01.2022) with Annexures 1-3 and stating further as follow;

1. The complainant was requested to participate for an inquiry; however, he did not and not even inform the reason for his absence. Accordingly we decided that it is fake complaint.
2. The complainant did not submit any evidence to prove his statement made in the said complaint; accordingly we concluded the inquiry on 17.06.2020. (Annexure 03)
3. Many of deficiencies were completed by the divisional secretariat according to our instructions. (Annexure 01 & 02)
4. No one in our Office did not obtain bribe as complaint made by the complainant.

Consideration

In response to the notice issued by the Commission, the Appellant informed the Commission, via email dated 09.03.2022 that he seeks to withdraw this Appeal since he received the requested information from the Public authority.

Rule 30 (1) of the Right to Information Commission Rules of 2017 (Gazette No 2004/66 published on 03.02.2017) states that;

“The Appellant, while an Appeal is pending, may at any time withdraw the Appeal by forwarding to the Commission a memorandum in writing with reasons stated signed by himself / herself a copy of which is served on the other party(ies), and the Commission shall forthwith inform every other party of the withdrawal.”

Rule 30 (3) of the Right to Information Commission Rules of 2017 states that;

“If the Commission is satisfied with the reasons stated for withdrawal in sub-rules (1) and (2) above, it shall allow the withdrawal of the Appeal.”

The Commission, under and in terms of Rule 30 (3) of the Right to Information Commission Rules of 2017 (Gazette No 2004/66 published on 03.02.2017), being satisfied of the reasons provided, permits the withdrawal of the Appeal.

The Director General is directed to convey the Order to the Appellant, the Information Officer and the Public Authority.

Appeal Dismissed.